

Message Text

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14

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TO USMISSION OECD PARIS

C O N F I D E N T I A L STATE 069999

EXCON

EO 11652: XGDS-1

TAGS: ESTC, COCOM

SUBJ: " RISK OF DIVERSION" DEBATE IN COCOM EXCEPTIONS

REFS: A. OECD PARIS 9857

B. COCOM DOC(73)30

C. COCOM DOC(72)851

D. COCOM DOC(72)1273

1. HOPEFULLY D' ANCONA' S DEPARTURE WILL PERMIT RETURN TO EXAMINATION OF SPECIFIC FACTS OF CASES AS PRESENTED. PERHAPS DEL CAN ENCOURAGE UK COLLEAGUE TO DISREGARD COMMITTEE DISCUSSION IN FAVOR OF MAKING A DIRECT COMPARISON OF PARA 2 OF REF. B WITH PARA 2 OF REF. C. OSCILLOSCOPE REF. B IS INTENDED FOR A CIVIL NUCLEAR RESEARCH INSTITUTE WITH EXTENSIVE EQUIPMENT INVENTORY. SYSTEM IS EFFECTIVELY LIMITED TO A 50 MHZ BANDWIDTH AND WILL BE USED BOTH IN MAINTENANCE OF PRESENT EQUIPMENT AND DESIGN OF OTHER EQUIPMENT. THIS ONGOING EXTENSIVE END USE REQUIREMENT ITSELF PRESCRIBES A DEFINITE BAR TO DIVERSION. ON THE OTHER HAND, REF. C UK OSCILLOSCOPE IS PROPOSED FOR " LABORATORY TESTING" BY STUDENTS AT A HIGH SCHOOL OF

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MACHINES AND RADIO ELECTRONICS. SYSTEM IN QUESTION HAS AN EFFECTIVE 100 MHZ BANDWIDTH. NEITHER REQUIREMENT, SPECIAL PURPOSES, NOR EXTENT TO WHICH OSCILLOSCOPE WILL BE USED IS IMPLIED IN UK END USE STATEMENT NOR AMPLIFIED IN FURTHER DISCUSSION. SHOULD UK AUTHORITIES CHOOSE TO EQUATE

THESE TWO VERY DISSIMILAR END USES, THE FINAL UK POSITION AS REQUESTED IN STATE 60563 SHOULD BE ONE OF OBJECTION.

2. REF. D IS FOR A SAMPLING OSCILLOSCOPE FOR WHICH CASES HAVE CONSISTENTLY BEEN DENIED (EXCEPT VERY RARELY FOR OPEN INTERNATIONAL RESEARCH FACILITIES SUCH AS SERPUKHOV) BECAUSE THE IDENTIFYABLE CIVIL USES FOR SUCH SCOPES ARE EXTREMELY NARROW AND LIMITED AND BLOC COUNTRIES ARE KNOWN TO HAVE DEFICIENCIES. BLAND END USE STATEMENT PARA 2 REF. D SUPPORTS NO REAL EDUCATIONAL REQUIREMENT OF ITSELF. STATE 64542 MERELY ASKS FOR AN ONGOING REQUIREMENT WHICH WOULD ESTABLISH THAT AN APPROPRIATE END USE REALLY EXISTS. WITHOUT SUCH AMPLIFICATION IT IS ALSO AN UNACCEPTABLY WEAK CASE WHICH IS NOT COMPARABLE, IN OUR VIEW, TO GENERAL PURPOSE OSCILLOSCOPE CASES SUCH AS REF. B. AGAIN, IF US CASES ARE NOT GENUINELY CONVINCING AND UK IN' RETROSPECT HAS DECIDED TO ABANDON ITS UNDERSTANDING OF THE CONCEPT OF " SYSTEM BANDWIDTH" BEING APPLIED BY THE US IT SHOULD CONTENT ITSELF WITH REJECTING OUR CASE, RATHER THAN ATTEMPTING TO TRADE ITS APPROVAL OF A GOOD US CASE FOR US APPROVAL OF TWO WHICH WOULD BE PATENTLY UNREASONABLE.

3. US AUTHORITIES BELIEVE THAT ARGUMENTS DISINGENUOUSLY DEPLOYED BY D' ANCONA HAVE SUCCESSFULLY PROLONGED CASES, BUT THEY DISREGARD BASIC FACT OR THAT WHEREVER EXPORTING GOVERNMENT' S VIEWS RE RISK OF DIVERSION SHOULD BE DETERMINING, THOSE ITEMS ARE PUT UNDER AN DURING OR BETWEEN LIST REVIEWS. THE ABSENCE OF AN AN IS ITSELF PRIMA FACIE EVIDENCE THAT THE COMMITTEE HAS NOT RPT NOT CONSIDERED THAT THE SUBMITTING GOVERNMENT' S JUDGMENT SHOULD BE THE DETERMINING FACTOR. (INCIDENTLLY, THIS QUESTION AROSE PRECISELY IN DISCUSSIONS SURROUNDING SAMPLING SCOPES IN THE LATEST LIST REVIEW.)

4. DEL SHOULD OBTAIN FINAL UK POSITION ON MERITS AND REFUSE THEIR ATTEMPTS TO TRADE OFF CASES OR TO STRETCH
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CONCEPT APPROPRIATE ONLY TO AN PROCEDURES UNREASONABLY TO

GENERAL EXCEPTIONS CASES. ROGERS

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